

PTO/SB/30 (01-03)

Approved for use through 04/30/2003. OMB 0831-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Request  
For  
Continued Examination (RCE)  
Transmittal**  
Commissioner for Patents  
Mail Stop RCE  
P. O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/213,544
Filing Date	12/17/98
First Named Inventor	John C. Nardi
Art Unit	1745
Examiner Name	Carol Chaney
Attorney Docket Number	SP-0649.1 US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on 5/11/01  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☒ Consider the arguments in the Appeal Brief or Reply Brief previously filed on 1/16/01 and 6/8/01
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 05-1325
- a. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Charge any additional fees or credit overpayment
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Russell H. Toye, Jr.	Registration No. (Attorney/Agent)	43,200
Signature	<i>Russell H. Toye, Jr.</i>	Date	5/2/03

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Russell H. Toye, Jr.
Signature	<i>Russell H. Toye, Jr.</i>
Date	5/2/03

Page 1 of 2

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-0100 (1-800-786-9199) and select option 2.

1

1801

\$750.00 05/02/2003

#24  
6-21-30

RECEIVED  
MAY -6 PM 3:01  
DIVISION OF PATENT APPEALS  
AND INTERFERENCES

RECEIVED  
MAY 05 2003  
COMM. FOR PAT.

OFFICIAL

SP-0649.1 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John C. Nardi  
Appln. No.: 09/213,544  
Filing Date: December 17, 1998  
For: Alkaline Cell Having a Cathode Incorporating Enhanced Graphite

Art Unit: 1745  
Examiner: Carol Chaney

Commissioner for Patents  
Mail Stop RCE  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8

Dear Sir:

The following are being transmitted by facsimile to the United States Patent and Trademark Office (fax number 703-872-9311) in the above-identified application:

1. RCE Transmittal, with authorization to charge deposit account (in duplicate) (2 pages).
2. Request for Continued Examination (4 pages).
3. Declaration under 37 CFR § 1.132, including Exhibit (12 pages).

A total of 19 pages, including this transmittal letter, is being transmitted. If there is any problem with this transmission, please contact the undersigned.

Respectfully submitted,

Date:

5/2/03

  
\_\_\_\_\_  
Russell H. Tove, Jr.

Registration No. 43,200  
Eveready Battery Company, Inc.  
25225 Detroit Road  
P.O. Box 450777  
Westlake, OH 44145  
(440) 835-7343

RECEIVED  
2003 MAY - 6 PM 3:01  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

TRANSMITTED  
MAY 05 2003  
GROUP 170